

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali  
Application No. : 08/962,027 Confirmation No.  
Filed : October 31, 1997  
For : INTERMEDIATE RELEASE NICOTINIC ACID  
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA  
Group Art Unit : 1615  
Examiner : Robert M. Joynes  
Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202

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OFFICE OF PETITIONS

REQUEST TO PERFECT CLAIM TO PRIORITY  
PURSUANT TO 35 U.S.C. § 120

Sir:

This request is being filed concurrently with a Request to Correct Inventorship of the above-identified application pursuant to 37 C.F.R. § 1.48 by adding the name of David J. Bova as a co-inventor. This application is a continuing prosecution application ("CPA"), filed January 30, 2001 in the name of Eugenio A. Cefali and claiming priority under 35 U.S.C. § 120 from the following United States patent application:

United States patent application Serial No.  
08/962,027, filed January 16, 1999 in the name of Eugenio A.

Cefali, which is a CPA claiming priority under 35 U.S.C. § 120 from:

United States patent application Serial No. 08/962,027, filed October 31, 1997 in the name of Eugenio A. Cefali, which is a continuation-in-part application claiming priority under 35 U.S.C. § 120 from:

United States patent application Serial No. 08/814,974, filed March 6, 1997 in the name of David J. Bova (now United States patent 6,129,930), which is a continuation-in-part application claiming priority under 35 U.S.C. § 120 from:

United States patent application Serial No. 08/368,378, filed January 14, 1995 in the name of David J. Bova (now United States patent 6,080,428), which is a continuation-in-part application claiming priority under 35 U.S.C. § 120 from:

United States patent application Serial No. 08/124,392, filed September 20, 1993 in the name of David J. Bova.

Due to an error in designating inventorship in the pending CPA, as well as the CPA filed on January 16, 1999 and its immediate parent, the '027 application, David J. Bova was not listed as a co-inventor. As a result, at the time of

stating the priority claim in each of those applications, there was no overlapping inventorship with the '974, '378 or '392 applications.

Upon grant of the Request to Correct Inventorship of the pending CPA application, as well as the CPA filed on January 16, 1999 and its immediate parent, the '027 application, the inventorship in those applications will have an inventor in common with the '974, '378 and '392 applications. As indicated in the Declaration and Power of Attorney filed concurrently herewith in the present CPA application, the present CPA application claims priority under 35 U.S.C. § 120 from the CPA filed on January 16, 1999 and its immediate parent, the '027 application, as well as the '974, '378 and '392 applications.

In the accompanying Transmittal Letter (filed in duplicate), the Director is authorized to charge any fee required in connection with this Request, or to credit any overpayment, to Deposit Account No. 50-2543 (Kos).

Respectfully submitted,

Date:

1/15/03



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